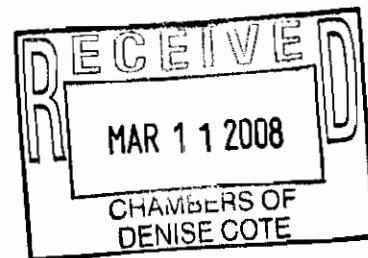


**MEMO ENDORSED**



**MICHAEL A. CARDOZO**  
Corporation Counsel

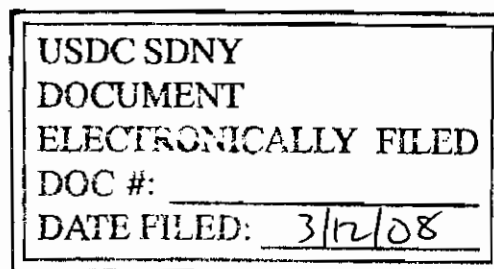
**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
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**SHAWN D. FABIAN**  
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March 10, 2008

**BY HAND DELIVERY**

Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: Joseph Brown v. City of New York, et al. 07 Civ. 11356 (DLC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York, Detective Andrey Smirnov and Lieutenant Sean Taylor in the above-referenced matter.<sup>1</sup> Without appearing or making any representations on behalf of the individually named Undercover Police Officer #29443 as to the adequacy of service or otherwise, I write to respectfully request that his time to respond to the complaint in this action be extended from March 10, 2008 until March 24, 2008, in order to ensure that his defenses are not jeopardized while representation issues are being decided. Plaintiff's counsel, Richard Cardinale, Esq., consents to this request.

Such an enlargement should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendant. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et

<sup>1</sup> Defendants City of New York, Andrey Smirnov and Sean Taylor served and filed their answer to plaintiff's complaint on March 10, 2008.

al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Defendant City previously requested an enlargement of time to answer or otherwise respond to the complaint from January 7, 2008 until March 10, 2008. Your Honor granted that request. At this time, this office respectfully requests that defendant Undercover Police Officer #29443's time to answer or otherwise respond to the complaint be extended to March 24, 2008. Such an enlargement of time would not effect the Initial Conference in the above-referenced matter that is currently scheduled for March 28, 2008 at 4:00 p.m.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.D. Fabian', with a stylized flourish extending from the end.

Shawn D. Fabian (SF4606)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Richard Cardinale, Esq. (By First Class Mail)  
Cardinale & Marinelli  
*Attorneys for Plaintiff*  
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Brooklyn, New York 11242